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OFFICE OF PETITIONS

In re Application of
Barrett et al.
Application No. 09/818,205
Filed: March 27, 2001
Attorney Docket No. 2032US

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 21, 2005, to revive the above-identified application.

This application became abandoned for failure to reply timely to the Office communication mailed April 20, 2005, which set a one-month extendable period to reply. Accordingly, this application became abandoned on May 21, 2005. A Notice of Abandonment was mailed on November 21, 2005.

The Office notes that 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" be submitted. The statement presented will be accepted and construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the present petition.

The petition is **granted**.

With the present petition, the assignee, Monsanto Company, submitted a revocation and appointment of power of attorney and a change of correspondence address. The Office notes: "Under 37 CFR 1.33(a)(2), where an executed oath or declaration under 37 CFR 1.63 has been filed by any of the inventors, the correspondence address may be changed by (A) a registered attorney or agent of record, (B) an assignee as provided for under 37 CFR 3.73(b), or (C) all of the applicants (37 CFR 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with 37 CFR 3.71." MPEP 601.03. Pursuant to 37 CFR 3.73(b)(1): In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. To establish ownership, the assignee must submit to the USPTO a signed statement identifying the assignee by either:

- (i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). The documents submitted to establish ownership may

be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office; or

(ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Upon reviewing the documents submitted on petition, the assignee did not submit a copy of an executed assignment evidencing the chain of title from the original owner to the assignee. The assignee did not submit any documentary evidence of the chain of title from the inventors to Paradigm Genetics, Inc. to Icoria, Inc. to Monsanto Company. Moreover, the assignee did not submit a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number). For these reasons, the Office will not revoke the current power of attorney or change the correspondence address of record until the assignee submits a completed "Statement Under 37 CFR 3.73(b)" (Form PTO/SB/96). The appropriate form accompanies this decision for the assignee's convenience. Accordingly, as a one-time courtesy, a copy of the decision will be mailed to the address on the petition.

The matter is being referred to Technology Center Art Unit 1631.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

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Enclosures: "Statement Under 37 CFR 3.73(b)" (Form PTO/SB/96) and Privacy Act Statement